

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kolawole Olosunde	Team: Team # 4	CCRB Case #: 200301347	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/15/2003 1:30 PM	Location of Incident: N/E corner of intersection of East 53rd Street and 2nd Avenue, Manhattan	Precinct: 17	18 Mo. SOL 8/15/2004	EO SOL 8/15/2004	
Date/Time CV Reported Fri, 02/21/2003 3:03 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Fri, 02/21/2003 3:03 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Dennis Gannon	00000	885669	PBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Mariusz Suchoicki	06307	929225	088 PCT
2. LT Andrew Minogue	00000	914647	081 PCT
3. SGT George Langkafel	00254	899452	049 PCT
4. POM Jabded Ahmed	19415	926481	PBMS TF

Officer(s)	Allegation	Investigator Recommendation
A.LT Dennis Gannon	Force: Lieutenant Dennis Gannon used physical force against an individual.	[REDACTED]

Synopsis

This complaint stems from the February 15, 2003 anti-war demonstration in Manhattan, which received extensive media coverage, hence the case was determined to be sensitive and placed on the agency's sensitive case list. On said date, at approximately 1:30 PM, § 87(2)(b) along with his stepdaughter and a few of her friends, walked up 2nd Avenue in Manhattan en route to the anti-war demonstration. At the intersection with East 53rd Street, a large crowd of civilians had gathered in the street and on the sidewalks. Mounted police officers entered the intersection and forced many of the protesters toward the side-streets, causing a number of protesters to push through the wooden NYPD barricades to avoid the horses. After moving through the barricades, § 87(2)(b) alleges that Lieutenant Dennis Gannon used excessive physical force against an unidentified victim. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

Complainant's Statement—§ 87(2)(b)

On February 16, 2003, § 87(2)(b) wrote a formal letter to the NYPD and CCRB, § 87(2)(b), detailing his complaint (enclosure 3A-B). At the intersection of East 53rd Street and 2nd Avenue, § 87(2)(b) wrote that he observed "mounted police in a line facing west about 4 feet west of the eastern...crosswalk." In response to this, "people...instinctively avoided walking directly behind [the] horses [and] were pressed against [the] police barricades." "Suddenly," § 87(2)(b) wrote, "the mounted line turned in formation and started to push into the dense crowd causing some panic." At that point, people "chose to go over or under the barricades," instead of "facing the horses." § 87(2)(b) and his group went through the barricades under said circumstances. Upon doing so, he observed "several...uniformed officers on foot [try] to hold back the crowd," but stated that they were ineffective. He also observed, "one Officer Gannon (red hair, red mustache...) [pursue] an older man onto the sidewalk with such vehemence that his fellow officers had to restrain him. § 87(2)(b) and his group then proceeded to the demonstration, one block east on 1st Avenue.

On March 6, 2003, § 87(2)(b) was interviewed at the CCRB. He recalled reaching the intersection of 53rd and 2nd at approximately 2:00 PM. § 87(2)(b) recalled that there were approximately six horses assembled in a north/south formation, approximately four feet from blue wooden NYPD barricades, which stretched across 53rd Street, preventing people from moving east. He also recalled that there were a number of uniformed police officers on foot, standing behind the barricades. In order to reach the demonstration, § 87(2)(b) and his group attempted to cross the intersection behind the horses, and continue north on 2nd Avenue, but the horses started to turn in a "northeastern arch" and advance into the crowd of civilians behind them, which was caught between the horses and the police barricades. Civilians began to "panic," and moved over, under, and through the barricades east on 53rd Street. § 87(2)(b) and his group crossed the barricades near the northern corner of the intersection.

From that location, he observed officers begin to "grab and assault some of the marchers," as they moved east beyond the barricades. One of these officers, named "Gannon," described by § 87(2)(b) as being a stocky and muscular white male with red hair and a red moustache, standing approximately 5'10"-5'11" tall, struck "a man that looked middle-aged" in his shoulder "at least twice," moving his fist in a "hammer-like" motion. The victim was wearing "a light green parka." At that point, the victim ran between some parked vehicles on the north side of the street (probably between the first and second cars parked due east of the crosswalk), and "Officer Gannon" caught him on the sidewalk. He "continued to strike him [in the shoulder]...punching him more like a jab," and caused the victim to fall to the ground. As the victim fell, the officer began "kicking him." At that point, § 87(2)(b) whom § 87(2)(b) believed was an officer, but "did not have a visible badge," approached Officer Gannon and "pulled" him off of the victim.

§ 87(2)(b) then observed some uniformed officers leading the victim away, but he could not recall if he was in handcuffs. He and his group then proceeded east on the northern sidewalk of 53rd Street to the anti-war demonstration. When asked if he would be able to identify the victim if shown his photograph, § 87(2)(b) stated that he would not, because he observed him from behind.

Photo Array—§ 87(2)(b)

On April 10, 2003, § 87(2)(b) was shown photographs of the seven officers in the NYPD with the surname “Gannon” (enclosure 6A-M), as well as three random filler officer photographs. He selected a random officer photograph as looking like the subject officer, but stated that his moustache was much shorter than that worn by the subject officer. He stated that Lieutenant Dennis Gannon “could have been” the subject officer, but then stated that the subject officer “seemed to have a fuller face,” than the lieutenant. He stated that the “roundness” of Lieutenant Gannon’s face reminded him of the subject officer, but stated that the hair color did not match.

Results of Investigation

Police Documents

The Detail Roster for Post 505 (enclosure 17) lists the officers originally assigned to the intersection of East 53rd Street and 2nd Avenue.

Arrest Report #§ 87(2)(b) (enclosure 18) indicates that § 87(2)(b) was arrested at the southeaster corner of the intersection of East 53rd Street and 2nd Avenue at 1:45 PM on February 15, 2003 by 88th Precinct Police Officer Mariusz Suchoicki. He was arrested for § 87(2)(b), § 87(2)(a) 160.50. The narrative states that Officer Suchoicki was informed that § 87(2)(b), § 87(2)(a) 160.50. The report also indicates that physical force was used to effect the arrest, and that § 87(2)(b), § 87(2)(a) 160.50.

The arrest reports for § 87(2)(b), § 87(2)(b), and § 87(2)(b), and corresponding arrest photographs (enclosure 19A-B, 20A-B, and 21A-B) show three individuals who were arrested at the approximate time, place, and location of this alleged incident. There was no arrest photograph for § 87(2)(b) on file.

Photographs

On April 15, 2003, a canvass was conducted in Midtown Manhattan, specifically at the incident sites of various protest cases, and photographs were taken. A photograph taken at the intersection of East 53rd Street and 2nd Avenue looking east (enclosure 22) shows that there is no brick wall near the intersection (see statement of § 87(2)(b) for clarification).

Witness Statement—§ 87(2)(b)

§ 87(2)(b) is § 87(2)(b)'s step-daughter. She attended the demonstration with him, § 87(2)(b), § 87(2)(b), § 87(2)(b), and her boyfriend, § 87(2)(b). § 87(2)(b) estimated that the group arrived at the intersection at some time between 11:30 AM-12:30 PM, and stated that there were a number of people on the sidewalks at that time. As the group walked north across the eastern side of the intersection, approximately six mounted officers “cantered” east on 53rd Street, and assembled a north/south linear formation near the eastern barricades. She recalled that the horses stood approximately ten to fifteen feet west of the barricades, and that a number of civilians were “trapped” between the two. As § 87(2)(b) and her group crossed the intersection, the horses became “agitated and began moving backwards.” Some of them also lifted up their legs and “firmly” put them on the ground. The civilians trapped between the horses and the barricades began to compress to avoid being struck by the horses as they moved back. § 87(2)(b) recalled being “inches” away from a horse’s hooves, and that civilians were “screaming” as they moved back.

At one point, people began “falling through the...barricades” to avoid being struck by the horses. Her group also moved through the barricades on the northern sidewalk. She stated that they were “hugging” the wall. From that location, § 87(2)(b) observed “a stocky cop with a mustache” pick up “the first person to fall over the barricade,” and throw him “face-first” into a parked car. She stated that the officer threw the victim, who was wearing an “olive army-green-colored jacket,” “so hard, that it knocked the [driver’s side] mirror off the car.” The victim then ran around the car to the sidewalk, but the officer grabbed him there and threw the man to the ground “violently.” He then kicked him “repeatedly” in his stomach and ribs, before an officer, who was not wearing his badge, “dragged” the officer away. § 87(2)(b)

§ 87(2)(b) was unsure if the victim was arrested, but she was able to obtain the name of the subject officer as “Gannon,” identified from his shield. She did not think that she would be able to identify the victim in a photo array, but described him as being a “stocky” white male with reddish hair and a moustache, standing approximately 5’7”-5’8” tall.

Photo Array—§ 87(2)(b)

On April 7, § 87(2)(b) was shown photographs of the seven officers in the NYPD with the surname “Gannon” (enclosure 7A-O), as well as three random filler officer photographs. She identified a random officer as looking “familiar,” based on the “shape of the face, the mustache, [and] the neck.” She selected Sergeant Bernard Gannon as looking “more [like] what [she] remembered” the subject officer, and more familiar than the random officer she previously identified. She identified Lieutenant Dennis Gannon as looking “really familiar to” her, based on his “face and neck shape,” but stated that his “hairline [was] way too high.” After looking through the photographs, § 87(2)(b) stated that the random officer looked the “most familiar” to her, and that Lieutenant Dennis Gannon did not look as familiar.

At the direction of Team Manager Stoll and SI Olosunde, § 87(2)(b) and § 87(2)(b) were re-contacted on October 29, 2003, to go over their accounts and solidify their accounts as to the victim’s behavior during this incident. Each was reminded that the provisions of their respective verified statements remain in effect. Their accounts follow each statement and are italicized. § 87(2)(b) could not be reached.

Re-Interview of the Civilian Witnesses

§ 87(2)(b) stated that she did not see the victim move over the barricades, as she was already over them at that point. She first observed the victim, whom she confirmed again was wearing a green jacket, when he was grabbed by the subject officer. § 87(2)(b)’s first observation was that the officer was holding the victim by the shoulders of his jacket from behind and threw him into a car, knocking off the side-view mirror. She stated that the victim was “trying to move away from the officer.” When the victim fell to the ground after being thrown against the car, § 87(2)(b) stated that he “kind of scrambled a little to get away,” but that “he never even faced the officer, so he certainly never made any antagonistic movements.”

Witness Statement—§ 87(2)(b)

In sum and substance, § 87(2)(b)’s statement is identical to that of § 87(2)(b) with a few additional remarks. § 87(2)(b) recalled that his group “linked hands” as they crossed 53rd Street between the horses and the barricades. From the northeastern corner, approximately three or four feet away, he observed the victim, whom he described as an “elderly gentleman with gray hair and a green jacket,” fall over the barricades, “simply by the motion of the crowd.” At that point, two officers “hit him...with their closed fists.” He did not see these two officers very well, because he was “just trying to take care of his friends,” and get them to “a safe place,” at that point. The victim then got up off of the ground and was picked up by another officer, whom he identified as “Officer Gannon” after reading his nameplate, on the northern sidewalk. He described the officer as being a “stocky older police officer” with red hair and a moustache. Officer Gannon grabbed the victim by the back of his collar and threw him against the second car away from the intersection, “hard enough that it broke off the [passenger side-view] mirror.” He then grabbed the victim again from his collar, and struck him with an open fist on the back of his head. § 87(2)(b) yelled at the officer, “Stop, you’re hurting him.” His group left the scene at that point, moving down 53rd Street. He did not think that he would be able to identify the victim in a photo array.

Photo Array—§ 87(2)(b)

On April 7, 2003, § 87(2)(b) was shown photographs of the seven officers in the NYPD with the surname “Gannon” (enclosure 8A-O), as well as three random filler officer photographs. He identified Sergeant Bernard Gannon as looking “familiar,” but stated that he did not think that “he [was] the guy.” § 87(2)(b) stated that Detective Francis Gannon looked familiar based on the shape of his face and his hair, and that if he had a moustache, “he would look a lot like Officer Gannon.” § 87(2)(b) also

identified a random officer as “kind of” looking like the subject officer, based on his face and moustache, but stated that he did not have the right hair color. He did not select Lieutenant Dennis Gannon.

Witness Statement—§ 87(2)(b)

In sum and substance, § 87(2)(b) s statement is identical to the others, with a few additional comments. She stated that “a lot of people [were] screaming” out of fear, when they became “wedged” between the horses and the barricades in a space approximately five to ten feet wide. Her group moved through the barricades in the “direct center” of 53rd Street, when they became “caught up in [a] tide,” but that the momentum of the crowd moved them to the northern corner. From that location, she observed police officers “indiscriminately pulling...people out of the crowd and beating the crap out of them.” She corroborated the side-view mirror allegation, and stated that the victim was not fighting back. She then recalled that the victim, who was wearing a “green jacket and jeans,” fell to the ground, and stated that he was then either punched, or struck with a nightstick, in his torso, but could not recall anything else about the incident. § 87(2)(b) described the subject officer as a pale white male with red hair and of medium height and build. She did not think that she would be able to identify the victim in a photo array.

Photo Array—§ 87(2)(b)

On April 15, 2003, § 87(2)(b) was shown photographs of the seven officers in the NYPD with the surname “Gannon” (enclosure 9A-M), as well as three random filler officer photographs. Even though she expressed uncertainty about being able to identify the officer who threw the victim against the car. She identified five officers that could possibly be the subject officer, listing them in the following order of likelihood: Officer Donald Gannon (the most likely), Detective Francis Gannon, Officer Patrick Gannon, random police officer, and Lieutenant Dennis Gannon (the least likely). She did not identify any other officers.

§ 87(2)(b) stated the victim, “the guy in the green jacket,” was “overrunning the barricade like the rest of us.” She stated that he was thrown against a car. She stated that the victim “was not aggressive in any sort of physical way,” but that he may have been yelling. After being thrown against the car, § 87(2)(b) recalled that the victim “might have tried to get up,” but that could not do anything. She stated that “he was down.”

Witness Statement—§ 87(2)(b)

In sum and substance, § 87(2)(b) s statement is identical to those of the other members of the group, with a few additions. She stated that the color of the unidentified victim’s jacket was “possibly” khaki-colored. She observed the officer throw the victim “head first” into the parked car, but did not recall any damage being done to the vehicle. § 87(2)(b) identified the subject officer as having a “blond or red moustache,” and being “kind of heavysset.” § 87(2)(b) did not think that she would be able to identify the victim in a photo array.

Photo Array—§ 87(2)(b)

On April 23, 2003, § 87(2)(b) was shown photographs of every officer in the NYPD with the surname “Gannon” (enclosure 11A-M), as well as three random officer photographs. She identified Lieutenant Dennis Gannon as “the cop, or looks like the cop, who pulled the first man out” of the crowd.” She stated that a random officer looked familiar, but that Lieutenant Gannon looked more familiar. § 87(2)(b) did not identify any other officer in the array.

§ 87(2)(b) stated that right after she broke through the barricades, she observed an officer “pull an older man off of the sidewalk” and onto the street, and “slammed him on the hood of a car.” This victim was “doing exactly what everybody else was doing” when this happened, which was “being physically pushed forward by...the rush of people.” After being slammed against the car, § 87(2)(b) stated that “he was pretty much in shock...and the officer had a hold on him.” She stated that the victim “was a rag doll in the whole thing,” and did not try to get away.

Witness Statement—§ 87(2)(b)

§ 87(2)(b) attended the anti-war demonstration with his girlfriend, but became held up at the intersection of East 53rd Street and 2nd Avenue at approximately 12:30 PM. § 87(2)(b) did not state

what he was wearing on the date of incident. Standing immediately in front of the eastern barricades, § 87(2)(b) observed that the entire intersection was filled with people, and that there were barricades across 2nd Avenue, as well, preventing people from moving north. He stated that “it was impossible to move.” When mounted police officers entered the crowd “trying to break it up,” § 87(2)(b) stated that a large crowd around him began pushing toward the barrier. After approximately fifteen seconds of the crowd pushing, the barrier “collapsed and the crowd surged through...[like] a dam breaking.” § 87(2)(b) fell to the ground and lost his girlfriend at that point. He stood up to look for her, and walked approximately fifteen feet toward 1st Avenue, but could not find her. § 87(2)(b) then walked back toward the intersection, and observed on the northern sidewalk, an officer “with his hands on a tall, slender, elderly gentleman,” who was wearing a “plaidish, grayish, green jacket,” using “very abusive [and] threatening language.” § 87(2)(b) could not recall what this language consisted of. This officer, described by § 87(2)(b) as being a stocky white male with blondish hair and a light-brown moustache, standing approximately 5’8” tall, was “being very physical with [the man], slowly pushing [him] toward a brick wall on the corner building.” When § 87(2)(b) observed the officer look as if he “was going to sock him,” he “unconsciously went over and...put [his] hands between the two of them.” He told the officer, “what are you doing, get control of yourself. Calm down.” § 87(2)(b) then “slammed [his] hands down to break the officer’s grip” on the man, at which point, the officer let go of the elderly gentleman, and focused on him. The officer then grabbed § 87(2)(b) by his coat, but § 87(2)(b) was able to break his grip. The officer tried grabbing him again, but § 87(2)(b) blocked his hands. After approximately twenty seconds of this, approximately five police officers “jumped on top of” him, and placed him in handcuffs. § 87(2)(b) did not think that he would be able to identify the victim in a photo array.

Photo Array—§ 87(2)(b)

On April 16, 2003, § 87(2)(b) was shown photographs of every officer in the NYPD with the surname “Gannon” (enclosure 10A-O), as well as three random officer photographs. He identified a random officer photograph as looking “very familiar,” and he stated that he felt “strongly that this is the officer” with whom he interacted. He did not identify any other officers, including Lieutenant Dennis Gannon.

Attempts to Identify the Civilian Victim

According to all witnesses, the unidentified victim was an older male with gray-colored hair.

§ 87(2)(g)

Each arrestee is under thirty years of age, and do not appear to fit the description of “old.”

The narratives in § 87(2)(b) and § 87(2)(b) arrest reports do not correspond to the description of what was alleged to have happened to the victim. The narrative in § 87(2)(b) arrest report indicates that he was observed pushing through the police barricades with approximately two hundred individuals at approximately 1:05 PM. § 87(2)(g) § 87(2)(b) was called on April 25th. He refused to provide a statement, and referred the undersigned to his attorney who was dealing with his pending criminal case. His attorney also refused to grant § 87(2)(b) permission to provide a statement in connection with this investigation. § 87(2)(g)

Subject Officer Statement—Lieutenant Dennis Gannon

Lieutenant Gannon had no entries in his memo book regarding this incident. He is a white male, 5’11” tall, and weighs two hundred pounds. He has light brown hair and wears a moustache.

Lieutenant Gannon could not recall at what time he arrived at the intersection, but stated that he was there to “address a crowd control problem.” He was in uniform and wearing a blue NYPD jacket, on which his badge and name plate were secured. Lieutenant Gannon did not recall ever seeing mounted police officers enter the intersection. At one point, while the lieutenant was standing on the northern sidewalk of East 53rd Street, just east of the intersection, he observed protesters pushing on the barriers.

Police officers stationed at that intersection were holding them back, but eventually, “the wooden barriers...shattered...from the force of the people coming through.” He stated that the barricades “disintegrated,” and that protesters then “rushed down 53rd Street.”

Lieutenant Gannon responded to this by moving to arrest a white male on the northeastern sidewalk. He stated that this individual was “the person right in front” of him when the barriers broke, but he could not recall anything else about him. He could not recall if this individual was ever on the ground, and stated that he did not attempt to evade the lieutenant’s capture by running in between parked cars. Lieutenant Gannon “grabbed him” and was struggling with him for “a couple of minutes.” During that period, the lieutenant could not recall doing anything with that individual other than grabbing him by his arms. After a few minutes of struggling, Lieutenant Gannon stated that “a second male came from behind” the lieutenant and “knocked” his arms off of the first individual. Lieutenant Gannon then directed his attention to this second male, whom he could not describe, “grabbed” him, and “told him that he was under arrest.” The lieutenant then placed this individual against a car to try and get his arms behind his back for handcuffing, but the individual “resisted vigorously,” and he needed the assistance of three other officers to arrest him. (The lieutenant could not expound upon the victim’s alleged resistance).

Lieutenant Gannon denied ever pushing the first male against a car, causing the side-view mirror to break off. He denied ever striking or kicking the first male, and throwing him down to the ground. He also denied being restrained by a second police officer.

Witness Officer Statement—Police Officer Mariusz Suchoicki

Officer Suchoicki’s memo book (enclosure 12C-F) indicates that he was assigned an arrest at 1:45 PM, and that he was at the arrest van afterwards.

Officer Suchoicki was standing at the northeastern corner of East 53rd Street and 2nd Avenue. There were no officers positioned immediately north of his location. There was a large crowd gathered at the intersection, trying to go to 1st Avenue. There were no barricades preventing people from moving north on 2nd Avenue, but there were wooden barricades stretching across 53rd Street, preventing the protesters from moving east. At some point between 1:00 and 1:45, “mounted [officers] moved in trying to disperse the crowd.” Officer Suchoicki could not recall how many horses were involved in this, or if they lined up in any particular formation, but stated that they lined up approximately twenty or thirty feet away from the barricades.

At approximately 1:30 PM, civilians pushed over the barricades and began moving down 53rd Street. Officer Suchoicki reacted by holding up his hands and telling people to move back. He observed an officer struggling with a civilian “almost in the middle of the street,” and he moved to assist in arresting the civilian. After the civilian was handcuffed, Officer Suchoicki brought the civilian to the arrest van, at which point, Lieutenant Dennis Gannon assigned him an arrest, completely unrelated to the arrest in which he was involved. At no point before this did Officer Suchoicki observe Lieutenant Gannon, and did not observe any of the events leading up to the arrest. The narrative that Officer Suchoicki wrote on the arrest report was strictly based on what the lieutenant had told him about the incident

Witness Officer Statement—Sergeant George Langkaffel

Sergeant Langkaffel had no memo book entries regarding this incident (enclosure 13C-D).

Sergeant Langkaffel was supervising officers who were not from his command at the intersection of East 53rd Street and 2nd Avenue on February 15th. He stated that “somewhere between three and ten” mounted officers arrived at the intersection at some point, in an east/west linear formation. They then broke formation as they entered the intersection, but the sergeant did not recall them ever lining up in a line parallel to the barricades. He recalled that a large group broke through the barricades, but did not recall any specific event which precipitated the breakthrough. He did not recall observing Lieutenant Gannon at the scene, and did not recognize the lieutenant’s NYPD photograph.

Witness Officer Statement—Lieutenant Andrew Minogue

Lieutenant Minogue had no memo book entries regarding this incident (enclosure 14C-D).

Lieutenant Minogue was assigned to supervise three sergeants and twenty-four police officers at the intersections of East 52nd, 53rd, and 54th Streets and 2nd Avenue. He did not recall civilians breaking through the barricades, or this particular incident.

Witness Officer Statement—Police Officer Jabbed Ahmed

Officer Ahmed had no memo book entries regarding this incident (enclosure 15C-E).

Officer Ahmed was deployed to the intersection of East 53rd Street and 2nd Avenue as part of the Level 4 Mobilization. He did not recall working with Lieutenant Gannon, and did not recognize him in his NYPD photograph. He also did not recall civilians breaking through the barricades.

Officer Identification

As previously stated, each witness viewed photos of every officer in the NYPD bearing the surname “Gannon.” This was done based on the statements of § 87(2)(b) and § 87(2)(b) who all stated with certainty, that the subject officer of their allegations wore a nameplate indicating such. Four out of six witnesses selected Lieutenant Gannon as possibly being the subject officer, and one witness, § 87(2)(b) stated with certainty that he was the subject officer. Moreover, Arrest Report § 87(2)(b) indicates that Lieutenant Gannon was east of the barricades at the intersection of East 53rd Street and 2nd Avenue at the approximate time of the alleged incident. Furthermore, Lieutenant Gannon stated that he was situated on the sidewalk near the northeastern corner of said intersection when protesters began moving through the barricades, and described a similar scenario to what was alleged by the witnesses. This location corresponds to that where the witnesses allege that the incident occurred.

Finally, § 87(2)(b) and § 87(2)(b) all stated that an officer who was not wearing a badge interfered with the subject officer as he was detaining the victim; to the point that, by most accounts, it appeared that the latter was physically restraining the lieutenant. Although the witnesses believed the individual to have been an officer, their failure to observe a shield suggests that they were referring to a civilian. As such, without any evidence indicating otherwise, based on a preponderance of the evidence, it is all but certain that Lieutenant Gannon is the subject officer in this case.

Conclusions and Recommendations

It is undisputed that civilian protesters broke through the NYPD barricades on East 53rd Street and 2nd Avenue at approximately 1:30 PM on February 15, 2003. Lieutenant Dennis Gannon was on the northeastern sidewalk behind the barricades when this occurred, and attempted to arrest one of these protesters. § 87(2)(b) interfered with Lieutenant Gannon as he attempted to make this arrest. § 87(2)(b) and his group crossed the barricades at the northeastern corner at the approximate time that they were breached by the crowd. § 87(2)(b) and § 87(2)(b) all alleged that an officer, with the surname “Gannon,” used excessive force against an unidentified victim before being stopped by an unidentified officer who was not wearing a police badge. Lieutenant Gannon stated that he used physical force against an unidentified victim before being stopped by a civilian, later identified as § 87(2)(b). § 87(2)(g)

Allegations

A. **Force:** Lieutenant Dennis Gannon used physical force against § 87(2)(b) in violation of

Patrol Guide Procedure 203-11.

§ 87(2)(g)

§ 87(2)(g)

Credibility Assessment—The Witnesses

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Credibility Assessment—§ 87(2)(b)

§ 87(2)(g)

[REDACTED] He made no allegations of the victim being thrown against a vehicle, punched, or kicked by the officer with whom he was engaged prior to breaking them up. All he recalled was that the officer had “his hands on” the victim, was “pushing him toward a brick wall,” and using “very abusive [and] threatening language.” § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Credibility Assessment—Lieutenant Gannon

§ 87(2)(g)

[REDACTED]

§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
[Redacted]
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Motivation of Each Party

§ 87(2)(g) [Redacted]
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[Redacted]
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§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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§ 87(2)(g) [Redacted]
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[Redacted] in *PD v. Cunningham*, OATH Index No. 1892/99, the Administrative Law Judge held that “there may be instances where a restrained suspect may strike at an officer...which, depending on the circumstances, might warrant some force to subdue him.” [Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(2)(g) [Redacted]
[Redacted]
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Investigator: Daniel Gotlieb

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: